

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MOSAMMAT M. SULTANA-NEILL,

Plaintiff,

V.

LOUIS DEJOY, in his Official Capacity
as Postmaster General,

Defendant.

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CIVIL ACTION NO. SA-21-CA-1008-FB(HJB)

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 56) recommending Defendant's motion for summary judgment be granted in part and denied in part, along with Defendant's written objections (docket no. 73) thereto.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed Defendant's submission in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes the objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge (docket no. 56) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant's Motion for Summary Judgment (docket no. 50) is GRANTED IN PART and DENIED IN PART. The Court GRANTS summary judgment for Defendant on any claims arising from instances of retaliation alleged to have occurred or to have been discovered *before* February 15, 2019, as those claims are barred as a result of Plaintiff's failure to timely exhaust her administrative remedies. With respect to the claims arising from instances of retaliation alleged to have occurred or to have been discovered *after* February 15, 2019, the Court GRANTS summary judgment as to Plaintiff's claim regarding her non-selection for the Supervisor position in August of 2019. In all other respects, summary judgment is DENIED. This case continues to be referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 26th day of November, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE